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10/037,525	10/24/2001	Joseph Georgiano		7306

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EXAMINER

SONG, SARAH U

ART UNIT PAPER NUMBER

2874

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,525

Applicant(s)

GEORGIANO ET AL.

Examiner

Sarah Song

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "105" has been used to designate both the open end and the front plate (see page 8). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 45A and 46A (see page 11). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to because of poor line quality and illegible reference numerals. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of **50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

5. Claim 1 is objected to because of the following informalities: “said first side wall member” and “said second side member” lack proper antecedent basis (“a first member” and “a second member” being previously recited); in line 5, Examiner suggests inserting –a—after “comprising”; in line 8, Examiner suggests inserting –of said top member—after edge, second occurrence; Examiner suggests inserting a semicolon after “member” in line 13; Examiner suggests inserting. Appropriate correction is required.

6. Claim 10 is objected to because of the following informalities: the claim does not end in a period. Appropriate correction is required.

7. Claim 14 is objected to because it includes reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

8. Claim 20 is objected to because of the following informalities: “said second side member” lacks proper antecedent basis (“a second member” being previously recited, see Claim 1). Appropriate correction is required.

9. Claim 22 is objected to because of the following informalities: Examiner suggests deletion of “is present” at the end of the claim. Appropriate correction is required.

10. Claim 25 is objected to because of the following informalities: “the openings in said modules” lacks proper antecedent. Appropriate correction is required.

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11. Claim 27 is objected to because of the following informalities: in line 1, Examiner suggests changing “the” second occurrence to –there—and in line 2, changing “the” to –that—.

Appropriate correction is required.

12. Claim 28 is objected to because of the following informalities: Examiner suggests inserting a comma after “ring” (first occurrence and third occurrence in line 3), after “position (line 4) and after “module” (line 5) to clarify the language. Appropriate correction is required.

13. Claim 29 is objected to because of the following informalities: Examiner suggests inserting –wherein—after “28”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of “or other” is indefinite. The term “or other” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For purposes of Examination, “or other” will be interpreted to mean any structure having a planar surface.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. **Claims 1-7, 9-13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Mattingly (U.S. Patent 3,299,199).**

18. Regarding claim 1, Mattingly discloses a module 10 for containing electrical components comprising:

- a first member 11 which forms a side wall of the module, said first member having a base (central portion) with a top surface, a bottom surface, a first side edge and a second side edge, said first member also having a front edge and a rear edge extending from said side edges, said first member further comprising a top member 13 extending upwardly from said first side edge and a bottom member 14 extending upwardly from said second side edge, the top member having a top surface and a bottom surface as well as a first side edge and a second side edge, said first side edge of said top member being adjacent to said first side edge of the base, said bottom member having a top surface, a bottom surface, a first side edge and a second side edge, said first side edge of said bottom member being adjacent to said second side edge of the base;
- a front plate 25, said front plate having a front surface, a rear surface, and first and second side edges, said front plate being removably connected to the first member;
- a rear plate 26, said rear plate having a front surface, a rear surface, and first and second side edges, said rear plate being removably connected to the first member; and

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- a second member 33 which forms a second side wall of said module, said second member having top and bottom edges as well as front and rear edges, said second side member being removably connected to said top and bottom members of said first member. See Figure 4.

19. Regarding claim 2, the top member and bottom member of said first member are generally perpendicular to said base.

20. Regarding claim 3, the top member and bottom member of said first member are generally parallel to each other.

21. Regarding claim 4, a first flange 19 extends outwardly from the top surface of the top member 13 of said first member 11.

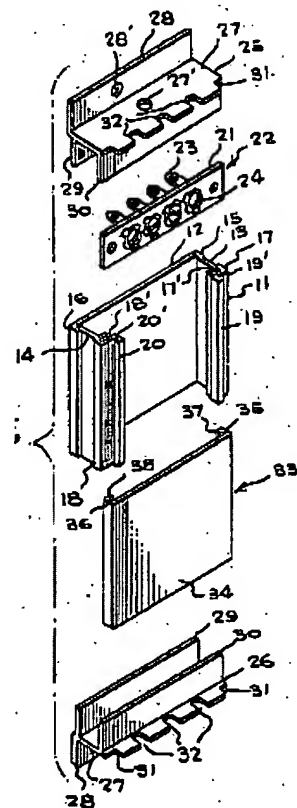
22. Regarding claim 5, a second flange 20 extends outwardly from the bottom surface of the bottom member 14 of said first member 11.

23. Regarding claim 6, said first flange 19 is generally perpendicular to the top surface of the top member 13 and generally parallel to the base.

24. Regarding claim 7, said second flange 20 is generally perpendicular to the bottom surface of the bottom member 14 and generally parallel to the base.

25. Regarding claim 9, a first and second flange 29 and 30 extend rearwardly from the rear surface of the front plate 25.

26. Regarding claim 10, said first front plate flange 29 extends from one side edge of said front plate.



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27. Regarding claim 11, said second front plate flange 30 extends the other side edge of said front plate.

28. Regarding claim 12, said first and second front plate flanges 29 and 30 are generally parallel to each other and generally perpendicular to the rear surface of the front plate 25.

29. Regarding claim 13, the front plate is provided with one or more cut out portions 32 to provide access to the component contained within the module.

30. Regarding claim 15, a pair of flanges 29 and 30 extends frontwardly from the rear surface of the rear plate 26.

31. Regarding claim 16, one of said flanges 29 extending from said rear plate extends from a side edge of said plate, and the second 30 of said flanges extends from a second side edge.

32. Regarding claim 17, said flanges 29 and 30 are generally parallel to each other and generally perpendicular to the rear surface of the rear plate 26.

33. Regarding claim 18, the rear plate is provided with one or more cut out portions 32 to provide access to the component contained within the module.

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. **Claims 8, 14, 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattingly.**

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36. Regarding claim 8, Mattingly does not expressly disclose said flanges provided with one or more orifices for fastening the flanges to a wall or other.

37. However, Mattingly discloses a flange on the front and rear plates provided with one or more orifices 28' for fastening the flanges to a wall or other.

38. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide flanges on the top and bottom members with one or more orifices for fastening the flanges to a wall since it has been held that rearranging parts of an invention involves only routine skill in the art. See MPEP 2144.04(VI)(C).

39. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide flanges on the top and bottom members of the first member with one or more orifices for fastening the flanges to a wall to provide an integral mounting structure with the main portion of the device thereby resulting in a rugged mounting arrangement.

40. Regarding claims 14 and 19, Mattingly does not expressly disclose the first member connected to a flange in the front or rear plate by a fastening means that extends through the first member and the flange of the front and rear plates.

41. However, fastening means that extend through a first member and a flange or an engaging member are very well known in the art.

42. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a fastening means (e.g. a screw through an orifice penetrating through both members).

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43. One of ordinary skill in the art would have been motivated to provide the fastening means in the device of Mattingly in order to provide a rugged engagement that inhibits unintentional disengagement.

44. Regarding claims 20-22, the second member is provided with one or more supports 35-38 that provides rigidity to the side member, wherein a first support (e.g. 36) is adjacent to the top surface of the bottom member and wherein a second support (e.g. 35) is adjacent to the bottom surface of the top member.

45. Regarding claim 23, Mattingly discloses a system comprising one module according to claim 1 as noted above, but does not expressly disclose a face plate for linking the modules together. However, Mattingly does disclose the module to be mounted on an appropriate supporting surface. Therefore, it would have been obvious to provide the supporting surface (i.e. face plate) in order to provide stability to the device. The functional limitation “for linking the modules together” has not been given patentable weight because it is in narrative form.

46. **Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattingly as applied to claim 1 above, and further in view of Nguyen et al. (U.S. Patent 6,411,526).**

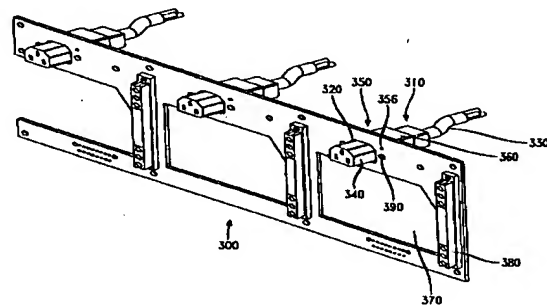
47. Regarding claims 24-27, Mattingly does not expressly disclose said face plate to be generally rectangular in shape with a top edge, a bottom edge and a pair of side edges; wherein the face plate is provided with one or more openings that correspond to openings in the modules; wherein the openings are preferably rectangular in shape, having two long sides and two short sides; wherein there are first and second orifices on said face plate that correspond to orifices in said module for receiving a connecting means for connecting the module to the face plate.

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48. Nguyen et al. discloses a face plate 300 for linking a plurality of modules together, the face plate is provided with one or more openings 320 that correspond to openings in a module 310, wherein the openings are substantially rectangular in shape, having two long sides and two short sides, and wherein there are first and second orifices 390 on said face plate that correspond to orifices on the module 310 for receiving connecting means for connecting the module to the face plate 300.

49. Mattingly and Nguyen et al. are analogous art as pertaining to electrical modules.

50. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the face plate such as that disclosed by Nguyen et al. for linking a plurality of modules of Mattingly together.



51. One of ordinary skill in the art would have been motivated to provide the face plate in order to provide a self-aligned module system providing ease of assembly.

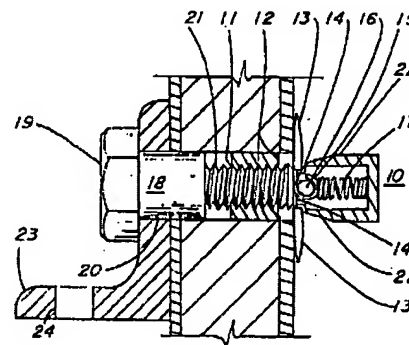
52. **Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattingly in view of Nguyen et al. as applied to claim 27 above, and further in view of Johnson (U.S. Patent 4,764,065).**

53. Regarding claims 28-29, neither Mattingly nor Nguyen et al. discloses the module is connected to the face plate by a fastener comprising a pin having a head and a stem, said stem passing through the center of a ring, said ring having two or more wings extending from the underside of the ring, wherein when said head is in a raised position the pin and the wings may pass through the orifices of the face plate and the module, and wherein once the pin and wings

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are through the orifices, a downward motion on the head of the pin causes the stem to expand wings thus causing the two face plate and the module to be secured together or wherein raising the pin will cause the wings to retract thus permitting removal to the fastening means from the orifices in said face plate and said module.

54. Johnson discloses a pin 18 having a head 19 and a stem 20, said stem passing through the center of a ring 10, said ring having two or more wings 13 extending from the underside of the ring, wherein when said head is in a raised position the pin and the wings may pass through the orifices of the face plate and the module, and wherein once the pin and wings are through the orifices, a downward motion on the head of the pin causes the stem to expand wings thus causing the two face plate and the module to be secured together or wherein raising the pin will cause the wings to retract thus permitting removal to the fastening means from the orifices in said face plate and said module.



55. Mattingly, Nguyen et al. and Johnson are analogous art as pertaining to wall attachments.

56. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the fastener of Johnson in the device of Mattingly/Nguyen et al.

57. One of ordinary skill in the art would have been motivated to provide the fastener of Johnson in order to provide a positively secure engagement that inhibits inadvertent disengagement.

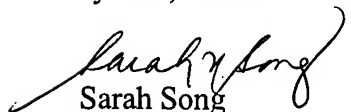
Conclusion

58. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Song whose telephone number is 571-272-2359. The examiner can normally be reached on M-Th 7:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sarah Song
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Group Art Unit 2874